

PATENT COOPERATION TREATY

From the

INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To: JAMES J. DECARLO STROOCK & STROOCK & LAVAN LLP 180 MAIDEN LANE NEW YORK, NY 10038

PCT

WRITTEN OPINION

(PCT Rule 66)

		Date of Mailing (day/month/year) 28 APR 2009
Applicant's or agent's file reference 694231/0102		REPLY DUE within 2 months/days from the above date of mailing
International application No. PCT/US03/17897	International filing date (day/month/year) 05 June 2003 (05.06.2003)	Priority date (day/month/year) 05 June 2002 (05.06.2002)
International Patent Classification (IPC) or both national classification and IPC IPC: G06Q 30/00 (2006.01) USPC: 705/14		
Applicant YAHOO! INC.		

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I Basis of the opinion
 - II Priority
 - III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV Lack of unity of invention
 - V Reasoned statement under Rule 66.2 (a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI Certain documents cited
 - VII Certain defects in the international application
 - VIII Certain observations on the international application
3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension. See rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4. For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis. For an informal communication with the examiner, see Rule 66.6.
- If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
- The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 05 October 2004 (05.10.2004).

Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/ US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Authorized officer Jeffrey D. Carlson Telephone No. (571) 272-3600
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Form PCT/IPEA/408 (cover sheet)(July 1998)

WRITTEN OPINION

International application No.

PCT/US03/17897

I. Basis of the opinion

1. With regard to the elements of the international application:^{*}

- the international application as originally filed
- the description:
pages 1-13 _____, as originally filed
pages NONE _____, filed with the demand
pages NONE _____, filed with the letter of _____.
- the claims:
pages 14-21 _____, as originally filed
pages NONE _____, as amended (together with any statement) under Article 19
pages NONE _____, filed with the demand
pages NONE _____, filed with the letter of _____.
- the drawings:
pages 1/4-4/4 _____, as originally filed
pages NONE _____, filed with the demand
pages NONE _____, filed with the letter of _____.
- the sequence listing part of the description:
pages NONE _____, as originally filed
pages NONE _____, filed with the demand
pages NONE _____, filed with the letter of _____.

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- contained in the international application in printed form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages NONE _____
- the claims, Nos. NONE _____
- the drawings, sheets/fig NONE _____

5. This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."

WRITTEN OPINION

International application No.

PCT/US03/17897

VI. Certain document cited

1. Certain published documents (Rule 70.10)

Application No <u>Patent No.</u> US 7356477 B1	Publication Date <i>(day/month/year)</i> 08 April 2008 (08.04.2008)	Filing Date <i>(day/month/year)</i> 01 September 2000 (01.09.2000)	Priority Date (valid claim) <i>(day/month/year)</i> None
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2. Non-written disclosures (Rule 70.9)

<u>Kind of non-written disclosure</u>	Date of non-written disclosure <i>(day/month/year)</i>	Date of written disclosure referring to non-written disclosure <i>(day/month/year)</i>
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WRITTEN OPINION

International application No.
PCT/US03/17897**V. Reasoned statement under Rule 66.2(a)(II) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

Novelty (N)	Claims <u>1-71</u> _____ YES
	Claims <u>NONE</u> _____ NO
Inventive Step (IS)	Claims <u>NONE</u> _____ YES
	Claims <u>1-71</u> _____ NO
Industrial Applicability (IA)	Claims <u>1-71</u> _____ YES
	Claims <u>NONE</u> _____ NO

2. CITATIONS AND EXPLANATIONS

Please See Continuation Sheet

Supplemental Box
(To be used when the space in any of the preceding boxes is not sufficient)

TIME LIMIT:

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.

V. 2. Citations and Explanations:

Claims 1-26, 41-71 lack an inventive step under PCT Article 33(3) as being obvious over Klug et al in view of Rhodes.

Regarding claims 1-3, Klug et al teaches general techniques for providing dynamic and targeted advertising on a computer site. Klug et al does not appear to teach advertising customized to a difference in dates. However, Rhodes teaches the concept of providing advertising on a webpage where the ad content includes a calculation between a specific date and the current date. Thus providing the viewer with time-specific content such as "you have XX days to act". Providing such an ad is taken to be accomplished by subtracting between the specific date and the current date. It would have been obvious to one of ordinary skill at the time of the invention to have provided such date-specified ad content with the advertising system of Klug et al.

Regarding claim 4, it would have been obvious to one of ordinary skill at the time of the invention to have performed such a date calculation for any date-specific advertising including advertising relative to a date in the past - such as "Bruce Springsteen tickets have been on sale for 02 days - act now before they are gone!", or similar.

Regarding claims 5 and 6, Official Notice is taken that it is well known to compute the current date from the user's OS-reported date or from a date server using NTP protocol, for example. It would have been obvious to one of ordinary skill at the time of the invention to have used either source of data as a means to calculate a time difference relative to the current time/date.

Regarding claims 12, 13, Official Notice is taken that it is well known to use Flash (tm) for advertising content on the Internet. Official Notice is further taken that GotoFrame and LoadMovie were standard techniques available at least as far back as Flash version 3 (approximately 1999) for manipulating movie objects. It would have been obvious to one of ordinary skill at the time of the invention to have incorporated movie clips when providing date-sensitive advertising as above, so that the advertising was more visually appealing, adding to its effectiveness.

Claims 15-20, 24, 25, 41-46, 50, 51, 60-65, 69 and 70 having similar claim scope are rejected with similar analysis as above.

Regarding claims 7-11, 14, 21-23, 26, 47-49, 52, 66-68, 71, Klug et al teaches that ads may be shown based on a user's browsing history [col 3: line 51]. Klug et al also teaches that the user's profile may be identified through the use of cookies [28:12]. It would have been obvious to one of ordinary skill at the time of the invention to have provided customized advertising according to such parameters as well, in order to provide more targeted and relevant advertising. Choosing ad content that matches a user profile is taken to be representative of making a choice between effectiveness (or relevance) of one ad vs. another ad and choosing the ad that is deemed to have superior effectiveness / relevance for that user. A cookie is taken to be a piece of information about a user's computer.

Claims 27-40 lack an inventive step under PCT Article 33(3) as being obvious over Klug et al in view of Rhodes and further in Form PCT/IPEA/408 (Supplemental Box) (July 1998)

Supplemental Box
(To be used when the space in any of the preceding boxes is not sufficient)

view of Merriman et al.

Regarding claims 27-33, 36, 37, 40, Merriman et al teaches that targeted ad campaigns in the system include start dates and end dates. Further, the targeted advertising is chosen according to the number of ad impressions as well as the current date [col 6]. It would have been obvious to one of ordinary skill at the time of the invention to have provided such features with that of Klug et al in order to provide targeted advertising content according to date/time-based ad campaigns. Merriman et al also identifies users according to cookies [3:46] which is taken to represent information about their computer...

Regarding claim 34, Klug et al teaches targeting according to browsing history.

Regarding claim 35, Klug et al teaches that ad content can also be targeted according to user demographics [3:45].

Regarding claims 38, 39, Official Notice is taken that it is well known to use Flash (tm) for advertising content on the Internet. Official Notice is further taken that GotoFrame and LoudMovie were standard techniques available at least as far back as Flash version 3 (approximately 1999) for manipulating movie objects. It would have been obvious to one of ordinary skill at the time of the invention to have incorporated movie clips when providing date-sensitive advertising as above, so that the advertising was more visually appealing, adding to its effectiveness.

----- NEW CITATIONS -----